



March 7, 2023

The Honorable Joseline Peña-Melnyk
Chair, Health and Government Operations Committee
Room 241
House Office Building
Annapolis, Maryland 21401

RE: House Bill 685 – Medical Cannabis - Employees in Health Care Settings Caring for Qualifying Patients - Exemption

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Medical Cannabis Commission (the Commission) is submitting this letter of information for House Bill 685 – Medical Cannabis - Employees in Health Care Settings Caring for Qualifying Patients - Exemption.

As introduced, HB 685 uses the term “caregiver” to include staff employed at certain healthcare facilities. In the Medical Cannabis Program currently, a caregiver is a person authorized to obtain medical cannabis for a qualifying patient, as well as assist with the administration of cannabis products to the patients. The program also limits how many individuals a caregiver may serve, and subsequently, how many caregivers a single qualifying patient may have. Caregivers are tracked in the program registry and linked to their patients via the State’s seed-to-sale system.

The Commission believes that existing medical cannabis statutes and regulations allow medical cannabis to be administered to individuals in the facilities listed in HB 685. Specifically:

- Health-General 13-3313(a)(8) - grants immunity from, "arrest, prosecution, revocation of mandatory supervision, parole, or probation, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis" to a hospital or other medical facility; and
- COMAR 10.62.30.04 permits delivery of medical cannabis to a medical facility where a patient is receiving in-patient treatment.

Under HB 685, healthcare providers included in the expanded definition of caregiver would be exempt from the statutory limits placed on existing caregivers. As introduced, making caregivers inclusive of health care professionals could prove challenging to implement with the Commission’s current tracking system, if many of these health care workers were to register. In particular, there could be a

significant expense to develop and implement software changes to the patient and caregiver registry in order to accommodate a new class of caregivers with different requirements.

Previously, the Maryland General Assembly passed Chapter 624 of 2020 (HB617), which authorized the administration of medical cannabis to qualifying patients during school hours. This legislation created a class for designated school personnel *outside* of the caregiver framework already established in law. Providing that the committee finds the existing State policy unable to meet the needs contemplated in HB 685, the Commission would recommend considering the designated school personnel language as a model for health care professionals rather than the use of the existing caregiver framework (the bill text is linked as an attachment to this letter).

Lastly, the Commission would highlight that as introduced, HB 685 amends the Medical Cannabis Program in Title 13, Subtitle 33 of the Health - General Article. HB 556, which is emergency legislation, contemplates large-scale cannabis reform, including repealing Title 13, Subtitle 33 and recodifying many of its provisions in a new Alcoholic Beverages and Cannabis Article. The Commission believes that if both bills ultimately pass the General Assembly, a corrective bill would be necessary to move this provision into the new Alcoholic Beverages and Cannabis Article.

I hope you and the committee find this information useful. If you would like to discuss this further please contact Andrew Garrison, MPA, Deputy Director, Office of Policy and Government Affairs at andrew.garrison@maryland.gov or (443) 844-6114.

Sincerely,

A handwritten signature in blue ink that reads "Will Tilburg". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Will Tilburg, JD, MPH
Executive Director
Maryland Medical Cannabis Commission

Attachment:
Link to Bill Text: [SB 604/Ch. 625 of 2020](#)

This position does not necessarily reflect the position of the Maryland Department of Health or the Office of the Governor.